

Living WAGE

Ordinance No. 2001-3301, Section 2-407 thru 2-410 of
the Miami Beach City Code, Procurement Division



MIAMIBEACH

A LITTLE HISTORY...

The Living Wage Ordinance was adopted by the Mayor and City Commission of the City of Miami Beach on April 18, 2001 and became effective April 28, 2001, with the intent to provide salary rates for full-time employees equivalent to the poverty level plus 10%, and therefore, eliminate sub-poverty level wages.

LIVING WAGE ORDINANCE

What is the Living Wage Requirement?

All employers covered by the Living Wage Ordinance are required to pay employees performing covered services, no less than \$8.56 per hour with health benefits, or \$9.81 per hour without health benefits.

Living Wage requirements apply to:

City employees, contractors, and subcontractors of City service contracts of over \$100,000 per year providing covered services.

COVERED SERVICES

- Food Preparation and/or Distribution
- Security Services
- Routine Maintenance services such as custodial, cleaning, computers, refuse removal, repair, refinishing, and recycling
- Clerical or other non-supervisory office work, whether temporary or permanent
- Transportation and Parking Services
- Printing and Reproduction Services
- Landscaping, Lawn, and/or agricultural services
- Park and Public Place Maintenance

DETERMINE LIVING WAGE

Living Wage pay rate is determined and set at the federal poverty level for a family of four

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MONITORING

What is the role of the Contracts Compliance Specialist?

Execute the monitoring process on City of Miami Beach covered service contracts to ensure compliance with the Living Wage Ordinance.

What does the compliance monitoring process include?

- Conducting site visits and interviewing covered employees
- Review and Audit payroll records
- Assess back wages when appropriate
- Perform investigation of complaints
- Follow-up on non-compliance issues
- Conduct Compliance Meetings/Participate in Hearings

EMPLOYER RESPONSIBILITIES

What are the employer's responsibilities to the employee?

- Pay the employee at least bi-weekly the applicable hourly Living Wage rate.
- Pay the employee at least \$1.25 per hour towards health benefits for covered employees and their dependents.
- Post the Living Wage rates in a prominent place or in employees' paychecks every six (6) months in English, Creole and Spanish.
- Permit interview of employees without interference.
- No retaliation or discrimination against an employee who files a complaint is permitted.

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What are the employer's responsibilities to the City?

- Maintain payroll records for three (3) years.
- File complete payroll records with the Procurement Contract Compliance Specialist every six (6) months and allow inspection upon request.
- Submit proof of provision of health benefits to qualify to pay the lower Living Wage rate during the initial eligibility period of ninety (90) days* for new employees.
- Submit list of all subcontractors and payroll records for employees working on the contract.
- Ensure subcontractor's compliance with Living Wage Ordinance.

*Amendment to the Living Wage Ordinance, Section 2-408(b) entitled "Health Benefits", adopted April 30, 2003.

ENFORCEMENT

What are the employee's rights?

An employee who believes that the Living Wage Ordinance applies and whose employer is not complying with the Ordinance has a right to file a complaint with the Procurement Director.

What is the City's complaint procedures and sanctions?

- The City will investigate the complaint within thirty (30) days and require corrective action from the employer when applicable.
- If a Service Contractor fails to comply with any notice of corrective action issued, the City Manager or City Manager's designee may issue an order to appear at an administrative hearing at a set time (not less than five (5) days after service).

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What is Private Right of Action?

- An employee may chose to file suit against the covered employer instead of utilizing the City's administrative procedure (2 year statute of limitations apply).
- The court may impose wage restitution and damages of up to \$500 for each week of violation.

Retaliation and Discrimination Barred:

A City service contractor or subcontractor shall not discharge, reduce compensation, or otherwise discriminate against any employee for making a complaint to the City or asserting his or her rights under the Living Wage Ordinance.

PERSONNEL CONTACTS

Gus Lopez

Procurement Director

Phone: 305-673-7490

Fax: 305-673-7851

Email: guslopez@miamibeachfl.gov

Cristina Diaz

Contracts Compliance Specialist

Phone: 305-673-7496

Fax: 786-394-4000

Email: cristinadiaz@miamibeachfl.gov

Q & A

Thank you for coming!